



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Philippines: State protection and recourse available to victims of domestic violence, including recent legislation, police response and community-based services (2004 - 2006)

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In its 2006 report, the National Commission on the Role of Filipino Women (NCRFW) cites the findings of the Philippine Department of Social Welfare and Development and the Philippine National Police (PNP), which indicate that physical abuse, battery and rape were the most commonly reported forms of violence against women (Philippines Mar. 2006). Statistics compiled by the PNP and cited in the *Manila Standard* revealed that in 2005, more than 58 per cent of reported cases of violence against women involved domestic violence (*Manila Standard* 2 Mar. 2006). Overall, the number of reported incidents of violence against women increased from 1,100 in 1996 to 6,505 in 2005 (Philippines Mar. 2006). News sources and a human rights organization estimate that many more cases, however, go unreported (*Manila Standard* 2 Mar. 2006, OMCT Sept. 2003, 27; *Business World* 19 Mar. 2004). The non-governmental organization Gabriela Women's Party (GWP) stated in a *Manila Bulletin* article that once every two hours a woman in the Philippines is abused by her partner (13 Nov. 2005), while Amnesty International (AI) stated that domestic violence in the Philippines is "endemic" (5 Mar. 2004).

According to news sources and a human rights organization, in the Philippines, women are expected to be subservient in their intimate relationships (AI 5 Mar. 2004; *BusinessWorld* 19 Mar. 2004; *The Manila Times* 18 June 2006). Amnesty International estimates that women endure domestic violence for an average of 10 years (5 Mar. 2004) before seeking assistance, usually in an attempt to keep the family together (*The Manila Times* 18 June 2006). According to the Women's Crisis Center in Manila, in many cases poverty is a root cause of domestic violence (ibid.), however, other sources state that professional women such as doctors and lawyers are not excluded from abuse in the home (*BusinessWorld* 19 Mar. 2004; see also *Manila Bulletin* 13 Nov. 2005). However, more women are becoming aware of their rights than before, as a result of legislative and systemic changes (*Manila Bulletin* 13 Nov. 2005) as well as public awareness campaigns by women's groups (ibid. 5 Dec. 2004).

### Legislation covering domestic violence

*Republic Act No. 9262* of 8 March 2004 specifies what constitutes violence against women and provides protective measures for victims and penalties for perpetrators (Philippines 8 Mar. 2004). The *Anti-Violence against Women and their Children Act, 2004* (hereafter, the *Anti-Violence Act*) defines domestic violence as a criminal offence and offers victims the possibility of obtaining "protection orders" to prevent a recurrence of the violence (Philippines June 2004, para. 206). Protection orders, issued by *barangay* (village) offices and valid for up to 15 days (*BusinessWorld* 19 Mar. 2004; *Manila Bulletin* 13 Nov. 2005), are designed to prevent the alleged perpetrator from coming into contact with the applicant (*BusinessWorld* 19 Mar. 2004). A representative of the Democratic Socialist Women of the Philippines Party (DSWP) explained to *BusinessWorld* that women from poorer regions or isolated villages may have difficulty travelling to urban centres for protection orders; *barangay* offices, however, are more accessible (ibid.). Once a protection order expires, the applicant may then apply for a temporary restraining (or protection) order from the local court (ibid.; *Manila Bulletin* 13 Nov. 2005), which is valid for 30 days (ibid.). The *Anti-Violence Act* also recognizes "battered woman syndrome" as a legitimate legal defence in cases where victims of domestic violence "have been driven to defend themselves" (Philippines June 2004, 49). A copy of the *Anti-Violence Act* is attached to this Response.

Divorce has not been legalized in the Philippines (*Manila Bulletin* 5 Dec. 2004; *Country Reports 2005* 8 Mar. 2006, Sec. 5), although the law recognizes divorces obtained abroad if one of the parties is a foreign national (ibid.).

*Republic Act 8369*, otherwise known as the *Family Courts Act, 1997*, provides for the establishment of family courts in major urban centres to hear cases of domestic violence (Philippines June 2004, para. 209). The Philippine government stated in its June 2004 report submitted to the United Nations (UN) Committee for the Elimination of All Forms of Discrimination against Women (CEDAW) that this approach is intended to provide additional protection to victims of domestic abuse (ibid.).

### State and police response

In June 2004, the Philippine government reported that the National Bureau of Investigation had set up a Violence against Women and Children Division to investigate cases and provide protection services and other forms of assistance to women and children who have been victims of abuse (Philippines June 2004, para. 218). Additionally, police stations now have "Women's and Children's Concerns Desks" where victims of domestic violence may file complaints (*ibid.*; *Manila Bulletin* 5 Dec. 2004). The desks are staffed primarily by female officers (Philippines June 2004, para. 218). Complaints may also be filed at the *barangay* office (*Manila Bulletin* 5 Dec. 2004). In its 2004 report to CEDAW, the Philippine government explained that the National Commission on the Role of Filipino Women initiated a strategy to develop a protocol for *barangay* offices to deal more effectively with cases of domestic violence (Philippines June 2004, para. 94). The *Anti-Violence Act* allows individuals in the community, *barangay* officials and police officers to report instances of domestic abuse and grants authorities the right to make arrests within the home without committing trespass (*The Manila Times* 18 June 2006).

According to information obtained by the *Manila Bulletin*, there were 218 cases brought forth under the *Anti-Violence Act* in 2004, while in the first three-quarters of 2005, 766 cases were reported (13 Nov. 2005). The PNP stated that, since the new law came into effect, 157 alleged perpetrators had been arrested under the provisions of the *Act*, but 487 remained at large (*Manila Bulletin* 13 Nov. 2005). A representative of the National Commission on the Role of Filipino Women explained that in 2004 the National Statistics Office and the National Statistics Coordination Board were in the process of developing "a streamlined system of documentation and reporting of domestic violence cases" to be functional by 2005 or 2006 (*BusinessWorld* 19 Mar. 2004). Information on whether this system had been set up could not be found among the sources consulted by the Research Directorate.

For information on the penalties given to persons convicted of acts of domestic violence, please see the *Anti-Violence against Women and Their Children Act 2004*, attached to this Response.

Laws which prohibit spousal rape were not effectively enforced, according to *Country Reports on Human Rights Practices for 2005* (US 8 Mar. 2006, Sec. 5). However, some non-governmental organizations (NGOs) were concerned that the ability of courts to hand down death sentences for rape convictions discouraged some victims from pressing charges against their intimate partners (*Country Reports 2005* 8 Mar. 2006, Sec. 5).

An 18 June 2006 *Manila Times* article stated that corruption inside the country's justice system was "an enormous obstacle" to the prosecution of domestic violence cases. In its 2004 report to CEDAW, the government explained that a number of steps were being taken to improve the administration of justice on family matters (Philippines June 2004, para. 212). These steps included The Action Program for Judicial Reform 2001-2006, commonly referred to as "Davide Watch," to promote the fair, impartial and swift delivery of justice in family-related matters such as domestic violence (*ibid.*). In addition, the Committee for a Gender-Responsive Judiciary was created by the Chief Justice of the Supreme Court in 2003, with the goal of helping judges address gender issues more effectively (*ibid.*, para. 213). The report highlighted one of the early achievements of this initiative: the recognition of "battered wife syndrome" as a mitigating factor in sentencing women who retaliate against their aggressors (*ibid.*). Gender-awareness seminars for the judiciary took place between 1999 and 2001, according to the 2004 report to CEDAW (*ibid.*, para. 220).

In 2004, the Secretary of Social Welfare announced that her department would be travelling to various parts of the Philippines to educate women about the provisions of the new *Anti-Violence Act* (*Philippine Daily Inquirer* 13 Nov. 2004). The department also stated that local governments and other government agencies would have to allocate funds from their existing budgets to implement the *Act* as no special funds would be provided for implementation (*Manila Bulletin* 13 Nov. 2005). In 2004, the government reported that the Department of Social Welfare and Development put in place a rehabilitation project for abused women, including victims of domestic violence (Philippines June 2004, para. 214). Thirteen homes, referred to as "The Haven," were set up across the country to provide temporary care and assistance to women, including referrals to legal services and skills training (*ibid.*). The Department also operated crisis intervention units in all regions of the country that offered services such as a 24-hour telephone hotline and referrals for various types of assistance (*ibid.*, para. 215). In all 44 hospitals run by the Department of Health, women and children protection units were set up to deliver rapid and comprehensive care to victims of abuse (*ibid.*, para. 216).

### **Services available to victims of domestic violence**

The Philippine government acknowledged in its report to CEDAW that "the NGO community could be credited not only for raising domestic violence as a public issue, but also for providing services long before [the] government [did]" (June 2004, para. 221). The following organizations address the issue of violence against women in various ways:

Lihok Pilipina Foundation - a group that played an important role in creating programs such as Bantay Banay (Family Watch) to address domestic violence at the community level in Cebu City and which have been replicated in other cities (*Philippine Daily Inquirer* 21 Mar. 2006)

Women's Legal Bureau, Inc. - female lawyers working specifically on issues of violence against women (PeaceWomen n.d.)

Women's Crisis Centre - a hospital-based partnership between the government and the NGO community that provides care and assistance, including medical, psycho-social, legal and financial services to women who have experienced abuse (UN 2 Nov. 2001; *The Manila Times* 18 June 2006)

SIBOL - a coalition of NGOs that campaigned for the adoption of the *Anti-Violence Act*; includes members such as the Women's Legal Board and the Women's Crisis Centre (Philippines June 2004, para. 222)

Gabriela - an advocacy group which promotes women's rights and provides counselling to abused women (*BusinessWorld* 19 Mar. 2004)

Womenlead, which provides legal assistance to women in difficult circumstances (Manila Bulletin 13 Nov. 2005)

A representative of the Women's Crisis Centre interviewed by *The Manila Times* in 2006 stated that support for women and children who are victims of domestic violence remains inadequate (18 June 2006). According to the representative, although there is a crisis centre in place, gaps remain in the provision of shelters, "a welfare system, state subsidies, [and] job assistance" (*The Manila Times* 18 June 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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